

**METHOD FOR FABRICATING LIQUID CRYSTAL DISPLAY PANEL
ARRAY**

Appl. No. : 10/708,642 Confirmation No. 2641
Applicants : Chih-Chung Chuang et al.
Filed : March 17, 2004
TC/A.U. : 1794
Examiner : GEORGE, PATRICIA ANN
Docket No. : ADTP0066USA
Customer No. : 27765

Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria VA 22313-1450

5 Subject: Petition to withdraw holding of abandonment under 37 CFR § 1.181

Dear Sir:

10 A petition under 37 CFR §1.181 to withdraw the holding of abandonment is requested
for the above-identified application.

A Notice of Abandonment was mailed out on 3/30/2010 for the above-identified
application. The Notice of Abandonment states that the above-identified application
became abandoned after "The decision by the Board of Patent Appeals and
15 Interference was rendered on 1/11/2010 and because the period for seeking court
review of the decision has expired and there are no allowed claims."

However, claims 13-15 and 17-20 were allowed in the Final Office Action dated
March 09, 2007, and the status of these allowed claims was listed in the Appeal Brief
20 filed on February 01, 2008 and again in the Reply Brief filed on April 22, 2008 for the
above-identified application. The petitioner sees no way in which the allowable status

of these claims should have changed.

Rule 37 CFR §1.197 states the following concerning allowed claims in an application under appeal:

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“37 CFR §1.197 Return of jurisdiction from the Board of Patent Appeals and Interferences; termination of proceedings.

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(a) Return of jurisdiction from the Board of Patent Appeals and Interferences. Jurisdiction over an application or patent under ex parte reexamination proceeding passes to the examiner after a decision by the Board of Patent Appeals and Interferences upon transmittal of the file to the examiner, subject to appellant's right of appeal or other review, for such further action by appellant or by the examiner, as the condition of the application or patent under ex parte reexamination proceeding may require, to carry into effect the decision of the Board of Patent Appeals and Interferences.

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(b) Termination of proceedings.

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(1) **Proceedings on an application are considered terminated by the dismissal of an appeal** or the failure to timely file an appeal to the court or a civil action (§ 1.304) except:

(i) **Where claims stand allowed in an application**; or

(ii) Where the nature of the decision requires further action by the examiner.”

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MPEP 1214.06 goes into more detail about what steps should be taken by the examiner when allowed claims remain in an application that is returned to the examiner from the Board of Patent Appeals and Interferences.

“II. CLAIMS STAND ALLOWED

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The appellant is not required to file a reply. **The examiner issues the application** or ex parte reexamination certificate **on the claims which stand allowed**. For paper files, a red-ink line should be drawn through the refused

claims and the notion "Board Decision" written in the margin in red ink.

5 If the Board affirms a rejection of claim 1, claim 2 was objected to prior to appeal
as being allowable except for its dependency from claim 1 and **independent**
claim 3 is allowed, the examiner should cancel claims 1 and 2 and **issue the**
application or ex parte reexamination certificate **with claim 3 only."**

10 Therefore, since claims 13-15 and 17-20 are all allowable, the petitioner respectfully
submits that the above-identified application should not have gone abandoned, and
instead should have received a Notice of Allowance for the allowed claims 13-15 and
17-20.

The Applicant respectfully requests that the holding of abandonment be withdrawn,
and that a Notice of Allowance be issued instead.
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Sincerely yours,

20 /Winston Hsu/ Date: 04/14/2010
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25 Note: Please leave a message in my voice mail if you need to talk to me. (The time in
D.C. is 12 hours behind the Taiwan time, i.e. 9 AM in D.C. = 9 PM in Taiwan.)